Order Number
2022-ASLB-008
Product
Complaint
Order Received
03/30/2022
Status
Investigation Complete
Processor
syconda.marrow
Board
ASLB

Payment History
No payment required.

Investigator: George Daniels george.g.daniels@ncdps.gov 3101 Industrial Drive, Suite 104 Raleigh, NC 27609 984-220-8624

Investigation Due Date: Monday, May 9th 2022
Complaint Submission: C74JSIOUY (/dynamic?orderid=C74JSIOUY)

Complaint Review for Board Meeting Date: 11/17/2022

Committee Result
Note
Defer to the November 2022 Board meeting and refer this matter to the full Board for consideration.

Board Result
Accepted
Note
Find a violation of NCGS 74D-2. Continue the cease and desist previously issued to Garrett Langley and Flock Safety.

Edit

Allegation Information

Allegations
NCGS 74D-2

Company

BPNs
Licensees
Garrett Langley

Edit

Complainant Information Not Required to Submit

Your Name

First Name

Middle Name

Last Name

Suffix

Organization Agency, if applicable

Organization Agency

Your Address

Address Line 1

Address Line 2

City

State

Select ...

Zip

Country

United States

County

Mailing is same address as physical.

Your Phone Number

Primary Number

Enter Phone Number

Your Email

Email Address

Who the complaint is against

Name of Company Manager/QA

First Name
Garrett

Middle Name

Last Name
Langley

Suffix

Company Name

Name of Company
Flock Safety

DBA

Company Address

Address Line 1
1170 Howell Mill Rd NW UNIT 210

Address Line 2

City
Atlanta

State
Georgia

Zip
30318

Country
United States

County
fulton

☑ **Mailing is same address as physical.**

Company Phone Numbers

Company Phone Number
(866) 901-1781

Company Fax Number
Enter Phone Number

Company Email QA/Licensee email if available

Email Address

Violation Information

Alleged Violation Date

02/16/2022

Alleged Violation Location

Concord, NC

Witnesses

Are there any witnesses?

Witness List

Add Witness

Details of Complaint

★ Please give a description of complaint.

https://www.wsoctv.com/news/local/license-plate-readers-added-concord-mills-monitor-criminal-activity/P7ERF7WXBBGCXJMP2VY5ZGTHHU/

I've also seen these cameras in Matthews, NC

Additional Documentation Upload

Additional Documentation 1.

Browse Select file (.jpg, .jpeg, .png, .pdf)

Additional Documentation 2.

Browse Select file (.jpg, .jpeg, .png, .pdf)

Additional Documentation 3.

Browse | Select file (.jpg, .jpeg, .png, .pdf)

Background Check:

Process	Status	Initials	Date	
CRC CHECK				
FP SENT				
FP RESULTS				

Comments:

Deferred to November 2022, per a request from Flock's attorney. See attached. -Paul 8/11/22

Re-Notice for date, time and place of July meeting sent 6/22/2022. SM

From: Sherwin, Paul <paul.sherwin@ncdps.gov>
Sent: Wednesday, May 4, 2022 8:30 AM
To: Odom, Kim <kim.odom@ncdps.gov>; Daniels, George G <george.g.daniels@ncdps.gov>
Subject: RE: [External] Re: FW: 2022-ASLB-008, Flock

Kim,

Deferral approved.

George: Please let Flock know this is the final deferral. They will need to appear at the July 2022 Grievance Committee hearing to request additional deferrals from the Committee.

Thanks,

Paul Sherwin
Director

Cease and desist issued in case 2022-ASLB-001, set for May 2022. ---Kim

PHOTO				
AUTHORIZED RELEASE				
CE CREDITS				

Process	Status	Initials	Date	
CE EXEMPT				
Deputy Director				

Comments:

CWC				
Date Received				
TERMINATION DATE				

Investigator Notes (/interviewQuestions/complaintquestions/2022-ASLB-008)

Work Comments:

+ 8 Attached Documents

+ Add files...

File Name
Description
Attached By
Attached

Flock 2nd complaint form.pdf (/attachedFiles/2022-ASLB-008/1648672331448)
kim.odom

03/30/22 16:32

Flock Nov 2022 Deferral Request.pdf (/attachedFiles/2022-ASLB-008/1660222030831)
paul.sherwin
08/11/22 08:47

Flock 2nd Complaint Full Case File.pdf (/attachedFiles/2022-ASLB-008/1666984759902)
william.raften
10/28/22 15:19

Flock agreement 2.jpg (/attachedFiles/2022-ASLB-008/1684946180551)
paul.sherwin
05/24/23 12:36

Flock agreement.jpg (/attachedFiles/2022-ASLB-008/1684946183486)
paul.sherwin
05/24/23 12:36

Gray letter to Flock Safety.pdf (/attachedFiles/2022-ASLB-008/1694028579186)
paul.sherwin
09/06/23 15:29

Flock Prelim Injunc 23CV003667-910.pdf (/attachedFiles/2022-ASLB-008/1698942413442)
paul.sherwin
11/02/23 12:26

Flock Safety TRO 23CV003667-910.pdf (/attachedFiles/2022-ASLB-008/1698942414927)
paul.sherwin
11/02/23 12:26

Action Date:
Action User:
Action Type:
Description / Notes:

3/30/22 4:29 PM
kim.odom
CreatedComplaint
Created complaint 2022-ASLB-008 from complaint submission C74JSIOUY

3/30/22 4:29 PM
kim.odom
OwnerChange
The application was moved to user 'george.g.daniels'.

3/30/22 4:30 PM
kim.odom
SaveProgress
The application data was updated.

5/4/22 3:55 PM
kim.odom
SaveProgress
The application data was updated.

5/4/22 3:55 PM
kim.odom
SaveProgress
The application data was updated.

6/23/22 10:20 AM
syconda.marrow

SaveProgress
The application data was updated.
6/23/22 10:20 AM
syconda.marrow
SaveProgress
The application data was updated.
6/23/22 10:25 AM
syconda.marrow
SaveProgress
The application data was updated.
7/6/22 5:24 PM
george.g.daniels
InterviewUpdated
Interview Information Updated
7/6/22 5:24 PM
george.g.daniels
OwnerChange
The application was moved to user 'kim.odom'.
7/6/22 5:36 PM
kim.odom
InterviewUpdated
Interview Information Updated
7/6/22 5:37 PM
kim.odom
InterviewUpdated
Interview Information Updated
7/6/22 5:38 PM
kim.odom
InterviewUpdated
Interview Information Updated
7/6/22 5:38 PM
kim.odom
InterviewUpdated
Interview Information Updated
7/6/22 5:39 PM
kim.odom
OwnerChange
The application was moved to user 'amanda.rolle'.
7/7/22 11:46 AM
george.g.daniels
InterviewUpdated
Interview Information Updated
7/7/22 11:47 AM
george.g.daniels
OwnerChange
The application was moved to user 'kim.odom'.
7/7/22 5:12 PM
kim.odom
InterviewUpdated
Interview Information Updated
7/7/22 5:12 PM
kim.odom
InterviewUpdated
Interview Information Updated
7/7/22 5:12 PM
kim.odom
InterviewUpdated
Interview Information Updated

7/7/22 5:13 PM
kim.odom
OwnerChange
The application was moved to user 'amanda.rolle'.
7/13/22 11:20 AM
paul.sherwin
OwnerChange
The application was moved to user 'syconda.marrow'.
7/20/22 4:43 PM
syconda.marrow
SaveProgress
The application data was updated.
7/20/22 4:43 PM
syconda.marrow
SaveProgress
The application data was updated.
7/20/22 7:03 PM
paul.sherwin
SaveProgress
The application data was updated.
7/28/22 2:42 PM
syconda.marrow
SaveProgress
The application data was updated.
8/11/22 8:46 AM
paul.sherwin
SaveProgress
The application data was updated.
8/11/22 8:46 AM
paul.sherwin
SaveProgress
The application data was updated.
8/11/22 8:47 AM
paul.sherwin
SaveProgress
The application data was updated.
8/11/22 8:47 AM
paul.sherwin
SaveProgress
The application data was updated.
10/28/22 3:18 PM
william.raften
File Deleted
File attachment (Floct 2nd Complaint Full Case File.pdf) was deleted
11/21/22 2:38 PM
syconda.marrow
SaveProgress
The application data was updated.
11/21/22 2:38 PM
syconda.marrow
SaveProgress
The application data was updated.
5/24/23 12:36 PM
paul.sherwin
SaveProgress
The application data was updated.
8/30/23 11:41 AM
kim.odom

InterviewUpdated
Interview Information Updated
9/6/23 3:29 PM
paul.sherwin
SaveProgress
The application data was updated.
11/2/23 12:26 PM
paul.sherwin
SaveProgress
The application data was updated.

Move Order
Assign Inv
Order Pending
Request Documentation
Add Invoice (/dynamicapp/invoice/new?associatedOrderId=2022-ASLB-008)
Approve Order
Withdraw Order
Deny Order
Assess Fine
Allegations
Audit
Print Letter

Background Check		
CRC CHECK	✔	✖
FP SENT	✔	✖
FP RESULTS	✔	✖
PHOTO	✔	✖
AUTHORIZED RELEASE	✔	✖
CE CREDITS	✔	✖
CE EXEMPT	✔	✖
Deputy Director	✔	✖
CWC	✔	✖
Date Received	✔	✖
TERMINATION DATE	✔	✖

Save Progress
Print
Search Archive

11/20/2023

FINAL INVESTIGATIVE REPORT **FILE NUMBER:** 2022-ASLB-008

TO: Alarm Systems Licensing Board

FROM: Investigator George Daniels

RE:

COMPLAINT FILED AGAINST:

Garrett Langley
Flock Safety
1170 Howell Mill Rd
NW UNIT 210
Atlanta, GA 30318

COMPLAINT FILED BY:

OVERVIEW

Flock Safety and Security, Inc., is servicing and installing license reader camera systems in the NC area without the proper license in violation of NC74D-2. The information was obtained from a local television news report by Susanna Black (WSOC-TV, Charlotte, NC).

INTRODUCTION

An anonymous complaint was filed alleging that Mr. Langley, owner of Flock Safety Inc., Atlanta, GA was advertising and operating a license plate reader and surveillance camera service and installation business, without being properly licensed. The complainant provided information from a local news story that was aired in Charlotte, North Carolina where Flock had contracted with a mall in the area (Concord Mills Mall, Concord, NC) to install and monitor license plate readers throughout the mall parking lot. The news story stated that the company was working with the mall owners and local law enforcement in using possible information gathered in criminal investigations when suspicious activity is observed. Previous information had been documented that Flock Safety was selling and installing license plate reader camera systems to various locations throughout North Carolina to include local and state government. Further information disclosed that Flock Safety was operating without being properly licensed in accordance with NCGS 74-D. In viewing the website, information was found that Flock had advertised their business as a security systems service and installation company. The website of Flock Safety and Security states that the company installs security cameras and license plate readers at entrances and exits of neighborhoods and other locations.

During the initial interview of Mr. Robert Koon, Regional Director of Flock Safety and Security on February 15, 2022, he stated that his company were unaware of the need to be licensed by the NCASLB as the work they provided was in close coordination with local law enforcement to be used as a tool to assist in enforcing regulations and observing activities in the area. Mr. Koon was verbally advised of the Cease and Desist at which time he requested a deferral of the case to be heard on May 2022 NCASLB grievance meeting.

A Cease and Desist order was issued January 5, 2022.

These allegations would be possible violations of NCGS 74-D which states the following:

74D-2. License Required.

(a) License Required. - No person, firm, association, corporation, or department or division of a firm, association or corporation, shall engage in or hold itself out as engaging in an alarm systems business without first being licensed in accordance with this Chapter. A department or division of a firm, association, or corporation may be separately licensed under this Chapter if the distinct department or division, as opposed to the firm, association, or corporation as a whole, engages in an alarm systems business. The department or division shall ensure strict confidentiality of private security information, and the private security information of the department or division must, at a minimum, be physically separated from other premises of the firm, association, or corporation. For purposes of this Chapter an "alarm systems business" is defined as any person, firm, association or corporation that does any of the following:

(1) Sells or attempts to sell an alarm system device by engaging in a personal solicitation at a residence or business to advise, design, or consult on specific types and specific locations of alarm system devices.

(2) Installs, services, monitors, or responds to electrical, electronic or mechanical alarm signal devices, burglar alarms, monitored access control, or cameras used to detect burglary, breaking or entering, intrusion, shoplifting, pilferage, theft, or other unauthorized or illegal activity. This provision shall not apply to a locking device that records entry and exit data and does not transmit the data in real time to an on-site or off-site monitoring location, provided the installer is duly licensed by the North Carolina Locksmith Licensing Board

The following procedures were used in order to conduct a special review of these allegations:

Interviews:

Robert Koon, Flock Safety, Atlanta, GA

Mike Molina, Attorney, FS, Atlanta, GA

Ryan Beaver, Attorney, Beaver and Bradly, Raleigh, NC

Documents Reviewed:

ASL documentation pertaining to Flock Safety

Flock website and Facebook information

Alarm complaint case 2022-ALSB-001

WITNESS STATEMENTS AND INTERVIEWS

Robert Koon, Regional Supervisor, Flock Safety and Security, Inc., Morrisville, North Carolina (866) 901-1781:

On February 15, 2022, Mr. Koon was interviewed by this office pertaining to this complaint. Mr. Koon stated that he had several years' experience working with installing license reading cameras used at neighborhoods and malls for random and targeted (entrance and exits) surveillance. Mr. Koon stated that they are usually contacted by the interested party (HOA, Shopping Centers or Law Enforcement) to install and monitor the cameras. The information that is obtained from the cameras is coordinated with local law enforcement and/or contracted party for further action. Mr. Koon stated that he was unaware of any regulation or necessity for the company to obtain alarm license. Mr. Koon stated that he would consult with his company for further action on this issue. Mr. Koon stated that the position of Flock is to maximize neighborhood security with Flock Safety's License Plate Reading Cameras. License plate reading cameras work because most crime is committed with a vehicle. Therefore, whether it's vandalism, theft, or other suspicious activity, Flock Safety's technology quickly and objectively identifies a suspect's vehicle. If a crime does occur, Flock can automatically alert local law enforcement. He stated that Flock Safety is now in over 1,500 communities and partners with 1,200 law enforcement agencies in the nation.

Contact was again made with Mr. Koon in April 2022 pertaining to this case. Mr. Koon stated that the company attorney would be handling this matter and would be in contact with this office.

Mike Molina, Attorney for Flock Safety, Inc., Atlanta, Georgia, (415) 805-6738:

On April 2, 2022, contact was made with Mr. Molina via email. Mr. Molina stated that he would be representing the company and further requested additional time to prepare for the NCASLB grievance committee. The case was deferred until July 2022. All the pertinent documentation was sent to Mr. Molina for his review.

Ryan Beaver, Attorney at Law, Bradley Law Firm, Charlotte, NC (704) 338-6038:

On May 3, 2022, contact was made with Mr. Beaver pertaining to this investigation. Mr. Beaver was briefed on this investigation after informing this office that he was the local representive of Flock for this complaint. Mr. Beaver requested all documentation on this investigation, he was given copies of the complaint and corresponding documentation.

Flock Safety's website

Flock Safety's website was reviewed. Under the "products" tab is a heading for "Flock cameras" with the statement "Stop missing investigative leads. Flock has cameras for both neighborhood and police use." The website also states: "7/10 crimes are committed with the use of a vehicle. Capture the vehicle details you need to track leads and solve crime. Flock Safety's patented Vehicle Fingerprint™ technology lets you search by vehicle make, color, type, license plate, state of the license plate, missing plate, covered plate, paper plate, and unique vehicle details like roof racks, bumper stickers, and more."

Sgt. James Russ, Security Supervisor, Concord Security Police, 8111 Concord Mills Blvd., Concord, NC 28027, (704) 886-5000:

On June 29, 2022, contact was made with Sgt Russ pertaining to the operating procedures of the license plates cameras used at the mall. Sgt Russ stated that the system was installed and is serviced by Flock Safety, Inc. However, he stated that the system is controlled and monitored by the Concord Police Department, Concord, NC. He stated that if there is an investigation or a need for the security to be informed of any incidents they (mall security) are notified by the Police Department.

LICENSING/REGISTRATION HISTORY

None

DISCIPLINARY ACTIONS

No prior disciplinary history

SUMMARY OF INVESTIGATION

A complaint was made to this office that Flock Safety, Inc, was installing and servicing surveillance cameras at Concord Mills Mall, Concord, North Carolina area without being properly licensed. A cease-and-desist order was issued on 01/05/2022.

Mr. Koon (area representative for Flock Safety, Inc) was informed of this investigation and the fact that he could not operate an alarm company in NC without being properly licensed through the NCASLB. Mr. Koon stated that Flock Safety is a company developing public safety operating system that helps communities and law enforcement through use of surveillance camera and license readers. He stated that their services provide wireless and infrastructure-free cameras to capture the evidence police need to solve crimes.

From the information retrieved from the website and from the complainant, it was noted that Flock Safety was working in North Carolina without NCAS License.

Flock Safety violated the NCGS 74D-2 (a) (1) and (2) installing surveillance camera systems without being properly licensed.

VIOLATIONS

NCGS74D-2 (a) (1):

a) License Required. - No person, firm, association, corporation, or department or division of a firm, association or corporation, shall engage in or hold itself out as engaging in an alarm systems business without first being licensed in accordance with this Chapter. A department or division of a firm, association, or corporation may be separately licensed under this Chapter if the distinct department or division, as opposed to the firm, association, or corporation as a whole, engages in an alarm systems business. The department or division shall ensure strict confidentiality of private security information, and the private security information of the department or division must, at a minimum, be physically separated from other premises of the firm, association, or corporation. For purposes of this Chapter an "alarm systems business" is defined as any person, firm, association or corporation that does any of the following:

(1) Sells or attempts to sell an alarm system device by engaging in a personal solicitation at a residence or business to advise, design, or consult on specific types and specific locations of alarm system devices

(2) Installs, services, monitors, or responds to electrical, electronic or mechanical alarm signal devices, burglar alarms, monitored access control, or cameras used to detect burglary, breaking or entering, intrusion, shoplifting, pilferage, theft, or other unauthorized or illegal activity

Any alleged allegations or suggested resolution by the staff has not yet been reviewed by the North Carolina Alarm Systems Licensing Board or one of its Committees. You should understand that the once presented to the Board or Committee, the staff’s position may be adopted, amended, or reversed.

North Carolina Department of Public Safety

Private Protective Services

Roy Cooper, Governor
Eddie Buffaloe, Jr., Secretary

Caroline Valand, Deputy Secretary
Paul Sherwin, Director

COMPLAINT FORM

Your Name _____
First Middle Last

Address _____
Street & Number City State

Complaint Against:

Name of Licensee Garrett Langley

Company Flock Safety

Address 1170 Howell Mill Rd NW UNIT 210, Atlanta, GA 30318
Street & Number City State

Telephone (866) 901-1781

Date(s) of Alleged Violation February 17, 2022

Location of Alleged Violation Concord, NC

Are there any witnesses? Yes ___ No If yes, list their name(s), address(es) and telephone number(s):

Explain the nature of your complaint in detail (you may attach additional sheets):

https://www.wsoctv.com/news/local/license-plate-readers-added-concord-mills-monitor-criminal-activity/P7ERF7WXBBGCXJMP2VY5ZGTHHU/

I've also seen these cameras in Matthews, NC

MAILING ADDRESS:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609

OFFICE LOCATION:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609
Telephone: (919) 788-5320
Email: ppsasl@ncdps.gov

www.ncdps.gov/pps
An Equal Opportunity employer

IMPORTANT NOTE: In accordance with the North Carolina Public Records Act [N.C.G.S. 132] this form will be sent to the individual you are complaining about along with any attachments you submit with this complaint.

"I hereby certify that all statements and allegations set forth in the complaint are true and accurate to the best of my knowledge."

_____ _____

Sherwin, Paul

From: Sherwin, Paul
Sent: Thursday, August 11, 2022 8:42 AM
To: Gray, Jeffrey
Cc: Odom, Kim; Daniels, George G
Subject: RE: [External] FW: September 15 ASLB Meeting - FLock Safety

Jeff,

No, no problem. We'll defer it.

Thanks,

Paul Sherwin
Director
NCDPS Private Protective Services
Alarm Systems Licensing Board
Private Protective Services Board

Main Office: 919-788-5320
Direct: 984-220-8625
Cell: 919-218-1549
E-mail: paul.sherwin@ncdps.gov

3101 Industrial Dr, Suite 104
Raleigh, NC 27609

From: Gray, Jeffrey [redacted]
Sent: Wednesday, August 10, 2022 7:26 PM
To: Sherwin, Paul <paul.sherwin@ncdps.gov>
Subject: [External] FW: September 15 ASLB Meeting - FLock Safety

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Paul:

See, below. Do you have any problem with deferring Flock Safety until the November Board meeting?

Jeff

From: Beaver, Ryan [redacted]
Sent: Tuesday, August 9, 2022 1:50 PM
To: Gray, Jeffrey [redacted]
Subject: September 15 ASLB Meeting - FLock Safety

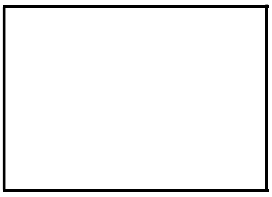
Jeff,

I hope you are doing well. I have recently been notified that I am on a trial calendar the week of the ASLB Meeting in September. If my notes are correct, the meeting is schedule for 9/15 at 1:00 pm.

Can you please advise whether it would be possible for us to reschedule my appearance before the board to discuss the policy implications of the issues raised by Flock Safety at last month's grievance hearing for the next meeting, which I believe will be in November.

Thank you,

Ryan



Ryan L. Beaver
Partner
e: [redacted] w: bradley.com
d: .782.1671
Bradley Arant Boult Cummings LLP
Truist Center, 214 North Tryon Street, Suite 3700
Charlotte, NC 28202-1078
LinkedIn | Facebook | Twitter | Instagram | Blogs | My Bio

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Signatures on reverse

5-18-23

Proposed Settlement

(1) Flock Safety will apply for licensure w/ ASLB by June 1, 2023.

(a) It is understood that licensure will not be final until electrical license by qualifier is obtained

(2) Flock Safety will not pursue, bid, or enter new contracts until licensed.

(2) Flock will note on its website that licensure is pend in NC

(3) Flock Safety will partner w/ a licensed installer to perform existing contracts.

(4) Flock will provide information re: first work and # of open contracts in NC for purposes of determining Past license fees due.

(5) Board will consider Flock's application @ July 20, 2023 meeting

Ryan Lee Beaver

Ryan Beaver for
Flock Safety

Jeff Gray for
ABLB

[redacted]

September 6, 2023

Via Electronic Mail & U. S. Mail [redacted]
Ryan L. Beaver
Bradley
214 North Tryon Street, Suite 3700
Charlotte, NC 28202

Re: ***N. C. Alarm Systems Licensing Board v. Flock Group, Inc. d/b/a Flock Safety, 23 CVS 3667-910 Wake County***
Our File: 3394.000001

Dear Ryan:

I realize "formal" letters are rarely used by attorneys (and others) anymore, but I wish to convey the seriousness of this matter.

I recognize that you and I have tentatively resolved this case, however, I see no signs your client takes this matter seriously. Flock Safety is subject to a Cease and Desist from the Board but continues to solicit business, and sign contracts, as recently as July 1st with the Town of Apex. I have received calls and e-mails from municipal and police attorneys advising me that representatives of Flock Safety have told them that the lawsuit is settled and it is licensed to do business; it is not.

Flock Safety's attempts at licensure have been half-hearted, at best:

- Flock's Qualify Agent, Daniel Moreno, missed the agreed upon application deadline of June 1, 2023.
- To date, Mr. Moreno has not provided documentation of experience to qualify for the license. Nor has he completed the Certified Alarm Technician Level 1 course. Therefore, we don't know if he qualifies for the license.
- To date, Mr. Moreno does not hold a N. C. electrical license and Flock Safety has not given the Board the name of any person employed with Flock in N. C. who does.
- To date, Mr. Moreno has failed to provide detailed disposition information related to criminal charges in California from 2002 and 2007.
- To date, Mr. Moreno has failed to provide an explanation for his unfavorable credit report.

I have been consistent in asking you the status of the proposed Settlement Agreement and insistent it now be a Consent Order signed by a Superior Court Judge due to Flock Safety's pattern of conduct. I have received no response.

Here is how this is going to go: I will give Flock seven (7) days from the date of this letter to file an Answer. Whether it does or not, on the eighth day I will file and calendar either a Motion for Summary Judgment or calendar the hearing on the injunction.

Further, at the Board's next meeting, which is Thursday, September 21st, I will ask that the offer of settlement be withdrawn.

Very truly yours,

BAILEY & DIXON, LLP

Jeffrey P. Gray

JPG:alb

cc: Stephen Wheeler, Chair (via e-mail)
Paul Sherwin, Director (via e-mail)

FILED
DATE:October 31, 2023
TIME: 10/31/2023 11:52:38 AM
WAKE COUNTY
SUPERIOR COURT JUDGES OFFICE
BY: S. Smallwood

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
23CV003667-910

NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD,

Plaintiff,

v.

FLOCK GROUP, INC. d/b/a FLOCK SAFETY,

Defendant.

ORDER PARTIALLY GRANTING PRELIMINARY INJUNCTION

THIS MATTER, coming before the undersigned Judge of Superior Court on Plaintiff's verified Complaint for Injunctive Relief, subsequent Motion for Temporary Restraining Order and resulting Order Granting Temporary Restraining Order ("TRO"), and based upon a review of the verified Complaint, Affidavit, Order Granting TRO, case law, exhibits, Memorandum of Law, and Affidavits, and the arguments of counsel for Plaintiff and Defendant, the Court finds as follows:

1. That Plaintiff filed a verified Complaint for Injunctive Relief in Wake County Superior Court on March 3, 2023, seeking to enjoin Defendant from violating the Alarm Systems Licensing Act, Chapter 74 of the North Carolina General Statutes (the "Act").

2. That Plaintiff's verified Complaint alleges Defendant is violating the Act, by advertising, contracting, and installing a camera system that reads motor vehicle license plates, stores that information, then uses it to detect criminal, unauthorized or illegal activity.

3. That a copy of Plaintiff's verified Complaint was attached to Plaintiff's Motion for Temporary Restraining Order and incorporated therein.

4. That Defendant had been under investigation by Plaintiff for over a year for engaging in the alleged unlicensed activity outlined in Plaintiff's Complaint.

5. That Defendant is subject to a Cease & Desist letter and Defendant is fully aware that a license is required for Defendant to conduct business in North Carolina.

6. That Defendant has applied to be licensed but has not yet completed the process.

7. That although unlicensed, Defendant has continued to advertise, solicit contracts, contract for installation, and install its system for municipalities, universities, and homeowners associations.

8. That Plaintiff contends its cameras do not "detect" unauthorized or illegal activity as prescribed by N. C. Gen. Stat. §74D-2(a)(2) thereby requiring licensure.

9. That Plaintiff Board's interpretation of its licensing requirements is reasonable, and in keeping with its Act, the spirit of the Act, and what the Act seeks to accomplish and there is a likelihood Plaintiff will prevail on the merits of this case.

10. That if the public policy of the State is that there is no irreparable harm from engaging in the alarm systems business without being licensed our legislature would not have passed the Act and thereby required a license. All other licensed businesses, and well as the public, are harmed by the conduct of Defendant and this injury is irreparable.

11. That Defendant has—and continues to—violate the laws of the State of North Carolina even after being advised of the license requirements and ordered to Cease and Desist.

12. That Defendant's actions are an immediate and direct threat to the public health, safety, and welfare, the Defendant's failure to be licensed constitutes irreparable harm, and there is a likelihood of success on the merits of Plaintiff's case.

IT IS HEREBY ORDERED that a Preliminary Injunction is entered enjoining Defendant and Defendant's officers, agents, and employees from installing any further camera systems or servicing any existing camera system as such systems are defined by the Act.

IT IS FURTHER ORDERED that Defendant is not enjoined from installing any further camera systems or servicing any existing cameras systems as such systems are defined by the Act if said installation or service is supervised or completed by a third-party company that is licensed by Plaintiff.

IT IS FURTHER ORDERED that the Plaintiff is an agency of the State of North Carolina and no bond shall be required.

IT IS FURTHER ORDERED that Court will hold a status conference during the Court session beginning Monday, November 27, 2023 regarding this Preliminary Injunction and the Defendant's attempts to obtain its license.

This the 30th day of October, 2023.

Vinston M. Rozier, Jr.
Superior Court Judge Presiding

FILED
DATE:October 26, 2023
TIME: 10/26/2023 7:10:43 AM
WAKE COUNTY
SUPERIOR COURT JUDGES OFFICE
BY:SS

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION
COUNTY OF WAKE	23CV003667-910
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD, Plaintiff, v. FLOCK GROUP, INC. d/b/a FLOCK SAFETY, Defendant.	ORDER GRANTING TEMPORARY RESTRAINING ORDER

THIS MATTER, coming before the undersigned Judge of Superior Court on Plaintiff's verified Complaint for Injunctive Relief and subsequent Motion for Temporary Restraining Order pending a hearing on Plaintiff's verified Complaint for Injunctive Relief, and based upon a review of the verified Complaint, presentation of documents at the hearing, and argument of counsel for the Plaintiff Board and for the Defendant, the Court finds as follows:

1. The Plaintiff filed a verified Complaint for Injunctive Relief in Wake County Superior Court on March 3, 2023, seeking to enjoin Defendant from violating the Alarm Systems Licensing Act, Chapter 74 of the North Carolina General Statutes, by advertising, contracting, and installing a camera system that reads motor vehicle license plates, stores that information, then uses it to detect criminal, unauthorized or illegal activity.

2. That a copy of Plaintiff's verified Complaint was attached to Plaintiff's Motion and incorporated therein.

3. That Defendant had been under investigation by the Plaintiff Board for over a year for engaging in unlicensed activity related to the Plaintiff's Complaint.

4. That Defendant is subject to a Cease & Desist letter from Plaintiff Board and is fully aware that Plaintiff Board has taken the position that a license to conduct Defendant's business in North Carolina is required.

5. That Defendant disputes that its business activities are governed by the Alarm Systems Licensing Act, Chapter 74 of the North Carolina General Statutes.

6. The Defendant has continued to contract for installation of its system for municipalities, universities, and homeowners associations.

7. That Plaintiff Board believes Defendant has—and continues to—violate the laws of the State of North Carolina even after being advised of the license requirements.

8. That Defendant's actions are an immediate and direct threat to the public health, safety, and welfare, the Defendant's failure to be licensed constitutes irreparable harm, and there is a likelihood of success on the merits of Plaintiff's case.

IT IS HEREBY ORDERED that a Temporary Restraining Order is entered enjoining Defendant and Defendant's officers, agents, and employees from contracting new business for (a) fulfill any existing contracts by installation of the system (b) the installation of its camera system, and (c) otherwise providing alarm systems business services of any kind, or otherwise holding itself out as engaged in the alarm systems business services in North Carolina as defined by the Alarm Systems Licensing Act. This Order is hereby issued on this the 9th day of October, 2023, at 10:49 a.m. This Temporary Restraining Order shall be effective until the 23rd day of October, 2023, at 10:00 a.m.

IT IS FURTHER ORDERED that the Plaintiff is an agency of the State of North Carolina and no bond shall be required.

A hearing on the Plaintiff's Preliminary Injunction shall be held at the Wake County Superior Court, Wake County Courthouse, Courtroom 10-A, Raleigh, North Carolina on the 23rd day of October, 2023, at 10:00 a.m. or as soon thereafter as the Court may reach said matter.

10/24/2023

G. Bryan Collins, Jr.
Superior Court Judge Presiding

MINUTES OF THE
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: November 17, 2022

TIME: 1:00 P.M.

PLACE: Hampton Inn and Suites – Raleigh/Crabtree
3920 Arrow Dr.
Raleigh, NC 27609

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT	**MEMBERS ABSENT**
Stephen Wheeler (virtual)	Larry Proctor
Jim Crabtree	Robert Graham
Mack Donaldson	
Mary Wood	
Caroline Brown	

STAFF PRESENT	**STAFF ABSENT**
Director Paul Sherwin	
Attorney Jeff Gray	
Field Services Supervisor Kim Odom	
ASLB Board Secretary Syconda Marrow (virtual)	
Deputy Secretary Caroline Valand	
Gary Bullard	
George Daniels	
Darla Cole	
Lee Kelly	
Daniel Cheatham	

VISITORS
Dwayne Guerrero
Jennifer Baratta
William Moore

The November 17, 2022, meeting of the North Carolina Alarm Systems Licensing Board was called to order by Vice-Chair Jim Crabtree at 1:00 P.M.

Attorney Jeff Gray read the following statement:

"In accordance with the State Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and the appearance of conflict. If any Member has any known conflict of interest or appearance of conflict with respect to any matter coming before this Board today, please identify the conflict or appearance of conflict and refrain from the deliberation and vote in that matter."

Vice-Chair Jim Crabtree welcomed all guests.

FINAL AGENCY DECISION

Attorney Jeff Gray recused himself as counsel to the Board and presented the Proposal for Decision written by Administrative Law Judge Stacey Bice Bawtinhimer in the case of James Bryan Talton v. North Carolina Alarm Systems Licensing Board.

CAROLINE BROWN MADE A MOTION TO ACCEPT JUDGE BAWTINHIMER'S RECOMMENDATION THAT JAMES TALTON BE ISSUED AN ALARM REGISTRATION. SECONDED BY MARY WOOD. MOTION CARRIED. NONE OPPOSED.

SEPTEMBER 2022 MEETING MINUTES

CAROLINE BROWN MADE A MOTION TO ACCEPT THE NOVEMBER 17, 2022, BOARD MEETING MINUTES. SECONDED BY MARY WOOD. MOTION CARRIED. NONE OPPOSED.

COMMITTEE REPORTS

Caroline Brown presented the Grievance Committee report. The Committee met on November 17, 2022, from 9:00 A.M. to 10:19 A.M. and heard a total of nine cases.

See attachment for the full Grievance Committee Report.

MACK DONALDSON MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MARY WOOD. MOTION CARRIED. NONE OPPOSED.

Jim Crabtree presented the Screening Committee report. The Committee met on November 17, 2022, from 11:05 A.M. to 11:59 A.M. to review a total of 10 license applications and one license reinstatement denial appeal.

See attachment for the full Screening Committee Report.

CAROLINE BROWN MADE A MOTION TO ACCEPT THE SCREENING COMMITTEE REPORT. SECONDED BY MARY WOOD. MOTION CARRIED. NONE OPPOSED.

Mack Donaldson presented the Training and Education Committee Report. The Committee evaluated five applications for new continuing education courses and recommended denying all

five due to three of the courses being too long (24 hours) and two courses lacking enough relevant information.

See attachment for the full Continuing Education Committee Report.

CAROLINE BROWN MADE A MOTION TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT. SECONDED BY MARY WOOD. MOTION CARRIED. NONE OPPOSED.

OLD BUSINESS

None.

NEW BUSINESS

Mack Donaldson discussed attending the annual conference of the International Association of Security and Investigative Regulators (IASIR) in Huntsville, Alabama, October 12-14, 2022. Attorney Jeff Gray and Director Paul Sherwin also attended. Mr. Donaldson explained that the conference included valuable information and topics from various speakers and presented a unique networking opportunity for regulators and industry members.

DIRECTOR'S REPORT

Director Paul Sherwin presented the Director's Report. The report included information about personnel changes, the status of the Board's active licensees and registrants, and a Board finances update.

See attachment for the full Director's Report.

MARY WOOD MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT. SECONDED BY MACK DONALDSON. MOTION CARRIED. NONE OPPOSED.

ATTORNEY'S REPORT

Attorney Jeff Gray delivered his Attorney's Report, which included updates about the status of consent agreements, pending administrative rules changes, and legislative updates.

See attachment for the full Attorney's Report.

CAROLINE BROWN MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT. SECONDED BY MARY WOOD. MOTION CARRIED. NONE OPPOSED.

GOOD OF THE ORDER

None.

CLOSED SESSION

STEPHEN WHEELER MADE A MOTION TO GO INTO CLOSED SESSION TO CONSIDER A MATTER DEFERRED FROM THE JULY 21, 2022, GRIEVANCE COMMITTEE TO THE FULL BOARD AT THE REQUEST OF FLOCK SAFETY, THE SUBJECT OF THE INVESTIGATION. JIM CRABTREE SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

CAROLINE BROWN MADE A MOTION TO RETURN TO OPEN SESSION. MARY WOOD SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

MOTION BY STEVEN WHEELER TO FIND FLOCK SAFETY IN VIOLATION OF G.S. 74D-2(a)(2) FOR INSTALLING CAMERAS USED TO DETECT CRIMES OR OTHER UNAUTHORIZED OR ILLEGAL ACTIVITY WITHOUT A LICENSE. CEASE AND DESIST TO BE CONTINUED. MARY WOOD SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

JIM CRABTREE MADE A MOTION TO ADJOURN. SECONDED BY MARY WOOD. MOTION CARRIED. NONE OPPOSED.

Meeting Adjourned: 2:46 P.M.

Paul Sherwin, Director

Syconda Marrow, Board Secretary

MINUTES OF THE
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

CLOSED SESSION

DATE: November 17, 2022

TIME: 1:48 P.M.

PLACE: Hampton Inn and Suites – Raleigh/Crabtree
3920 Arrow Dr.
Raleigh, NC 27609

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT
Stephen Wheeler (virtual)
Jim Crabtree
Mack Donaldson
Mary Wood
Caroline Brown

MEMBERS ABSENT
Larry Proctor
Robert Graham

STAFF PRESENT
Director Paul Sherwin
Attorney Jeff Gray
Board Secretary Syconda Marrow (virtual)
Field Services Supervisor Kim Odom
Investigator George Daniels

THE FULL BOARD ENTERED A CLOSED SESSION ON THURSDAY, NOVEMBER 17, 2022 AT 1:48 P.M. TO CONSIDER A MATTER OF FLOCK SAFETY SINCE THE ISSUE INVOLVED A FACTUAL DETERMINATION UNDER G.S. 74D-2(a)(2).

PRESENT FOR FLOCK SAFETY WERE MIKE MOLINA, GENERAL COUNSEL, AND RYAN L. BEAVER, A PARTNER WITH THE LAW FIRM BRADLEY ARANT BOULT CUMMINGS, LLP, CHARLOTTE, NC.

PRESENT, IN ADDITION TO THE BOARD MEMBERS, WERE DIRECTOR PAUL SHERWIN, FIELD SERVICES SUPERVISOR KIM ODOM, INVESTIGATOR GEORGE DANIELS, BOARD SECRETARY SYCONDA MORROW, AND BOARD LEGAL COUNSEL JEFF GRAY.

FLOCK SAFETY EXPLAINED ITS BUSINESS MODEL AND THE APPLICATION OF, AND USES FOR, ITS PRODUCT, AND EXPLAINED ITS VIEW OF THE BOARD'S LAW AND WHY IT DID NOT APPLY TO THEM. THE SCOPE OF G.S. 74D-2(a)(2) WAS DISCUSSED AND DEBATED AT

LENGTH. THE BOARD MEMBERS VIEWED FLOCK SAFETY'S WEBSITE AND ITS ASSERTIONS REGARDING THE SYSTEM IT SELLS AND HOW IT CAN BE USED.

Closed Session Adjourned: 2:40 P.M

Paul Sherwin, Director

Syconda Marrow, Board Secretary

North Carolina Department of Public Safety

Alarm Systems Licensing Board

Roy Cooper, Governor
Eddie M. Buffaloe Jr., Secretary

Stephen Wheeler, Chair
Paul Sherwin, Director

COMPLAINT FROM

July 25, 2022

COMPLAINT AGAINST
Garrett Langley
Flock Group Inc. dba Flock Safety
1170 Howell Mill Rd NW UNIT 210
Atlanta, GA 30318

CASE NUMBER
2022-ASLB-008

BOARD FINDINGS

RE: Review of Complaint by the Alarm Systems Licensing Board

STATUTE / RULE: Possible violation of NCGS 74D-2

This Notice is to inform you that the above-referenced Complaint was presented to the Grievance Committee on Thursday, July 20, 2022, for their informal review. The Committee made the following recommendation:

Defer to the September 2022 Board meeting and refer this matter to the full Board for consideration.

On July 21, 2022, the Alarm Systems Licensing Board took the following action:

Accepted.

Any further questions about this matter should be directed to the Licensing Section of this office.

Sincerely,

Stephen Wheeler
Chairperson

Paul Sherwin
Director

cc: Garrett Langley

Certified Mail/Return Receipt Requested

MAILING ADDRESS:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609

OFFICE LOCATION:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609
Telephone: (919) 788-5320
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www.ncdps.gov/asl
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